

REMARKS

This is in response to the Office Action that was mailed on March 25, 2008. Claims 1-23 and 25-27 were pending in that action. All claims were rejected. With the present response, claims 1-11 and 21, and 25-27 are cancelled. Claims 12, 22 and 23 are amended. Reconsideration and allowance of claims 12-20, 22 and 23 are respectfully solicited in light of the following comments.

Beginning on page 2 of the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. §112. With the present response, claims 1-11 have been cancelled. Accordingly, withdrawal of the §112 rejection is respectfully solicited.

This is also in response to a telephone interview with the Examiner and her supervisor on May 6, 2008. During that interview, the Examiners indicated that claim 27 very well might be allowable in amended into claim 12 along with its intervening claims 21, 25 and 26. With the present response, Applicant has essentially moved the elements of claims 21, 25, 26 and 27 into dependent claim 12.

The Examiner also indicated that she would like to see the “to be used” language removed from the claim. In response, Applicant has altered the so-called intended use language such that the claim now very directly recites applying constraint information so as to ascertain validity of a claimed at least one property.

Thus, it is respectfully submitted that the present case now conforms to the indication of allowable subject matter. Consideration and allowance of claims 12-20, 22 and 23 are respectfully solicited. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /christopher l. holt/
Christopher L. Holt, Reg. No. 45,844
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CLH:rkp